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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/907,373	07/17/2001	Akira Mizumura	09792909-5096	6501
26263	7590 12/04/2002			
SONNENSCHEIN NATH & ROSENTHAL			EXAMINER	
P.O. BOX 061080 WACKER DRIVE STATION			NGUYEN, KHIEM D	
CHICAGO, IL 60606-1080			ART UNIT	PAPER NUMBER
			2823	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Application No. Applicant(s) Office Action Summary Examiner Examiner Art Unit Art Unit Examiner Art Unit Examiner Art Unit Art Unit	,		→ De				
### Examiner ### Chiem D Nguyen ### Z823 ### TUNITE ### Z823 ### ACHCTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ### Semination of time many be available under the profession at 31 CTR 1.158(c). In no event, however, may a reply be timely filled ### THE MAILING DATE OF THIS COMMUNICATION. ### Semination of time many be available under the profession at 31 CTR 1.158(c). In no event, however, may a reply be timely filled ### THE OPEN THIS COMMUNICATION. ### Semination of time many be available under the profession at 31 CTR 1.158(c). In no event, however, may a reply be timely filled ### THE OPEN THIS COMMUNICATION. ### Semination of the profession and the profession at 31 CTR 1.158(c). In no event, however, may a reply be timely filled. ### THE OPEN THIS COMMUNICATION. ### Semination of the profession is less than their Quid days. a reply value to communication. ### THE OPEN THIS COMMUNICATION. ### THE O		Application No.	Applicant(s)				
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. 2 determined of them may be available under the profession at 3° CFR 1.196(a), in no event, however, may a reply be timely filled 3 through the control of the profession of 3° CFR 1.196(b), in no event, however, may a reply be timely filled 4 throughout for rely specified above, the maximum statutory period will apply and will explain SS (00 MOST 176 from the mailing date of this communication, the communication of the profession of Claims 4) Responsive to communication(s) filled on 23 September 2002. 2a) This action is FINAL. 2b) This action is profession of Claims 4) Claim(s) is a representation of allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) is a representation of allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) is are allowed. 6) Claim(s) is are allowed. 6) Claim(s) is are allowed. 6) Claim(s) is are allowed. 7) Claim(s) is are allowed. 8) Claim(s) is are subject to restriction and/or election requirement. Application Papers 9) The drawing(s) filled on is are subject to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The drawing(s) filled on is are equired in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. 14 paperoved, corrected drawings are requi							
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1 and 2 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1 and 2 is/are lowed. 6) Claim(s) 1 and 2 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) cocepted or b objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved by disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachments) Notice of References Cited (PTO-982) All interview Summary (PTO-413) Paper No(s) Notice of References Cited (PTO-982)	THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a real of the period for reply is specified above, the maximum statuory period. - Failure to reply within the set or extended period for reply will, by state any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).		a reply be timely filed irry (30) days will be considered timely. NNTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).				
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DETAILED ACTION

New Grounds of Rejection

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyasaka (U.S. Patent 6,124,154).

Miyasaka teaches a method of producing a semiconductor device, comprising the step of (See col. 31, line 15 to col. 32, line 49 and FIGS. 17A-18G):

dry etching an upper layer pattern of an insulating film 13 in a state where at least a part of the insulating film formed above an element separation 11 and a substrate 10 is exposed (See col. 32, lines 27-44 and FIGS. 18A-G) wherein the insulating film is formed by a chemical vapor deposition method (See col. 31, lines 53-61); and

exposing a surface of the insulating film to a film formation atmosphere of the insulating film prior to forming additional layers upon the insulating film after the dry etching (See col. 32, lines 46-49);

Response to Amendment

Responding to applicant's Arguments

Applicant's arguments with respect to claims 1-2 have been considered but are moot in view of the new ground(s) of rejection.



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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khiem D Nguyen whose telephone number is (703) 306-0210. The examiner can normally be reached on Monday-Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chaudhuri Olik can be reached on (703) 306-2794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9179 for regular communications and (703) 746-9179 for After Final communications.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

K.N.

November 25, 2002

Olik Charchuri
Supervisory Patent Examiner
Technology Center 2800